



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3004404  
**Applicant Name:** Collins Woerman Architects for Scott Hermann, Opus NW  
**Address of Proposal:** 1200 Madison Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for the future construction of a 16 story building with 10,150 square feet of commercial retail use at ground level (including two live/work units) and 244 residential units. Parking for 107 vehicles to be provided in a below-grade garage within the structure.\*

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:**

1. Open Space Quantity – To reduce the open space requirement (SMC 23.45.024).
2. Residential Amenity Space – To reduce the residential amenity requirement (SMC 23.47A.024).

**SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:**     Exempt    DNS    MDNS    EIS  
    DNS with conditions\*\*  
    DNS involving non-exempt grading, or demolition,  
   or involving another agency with jurisdiction.

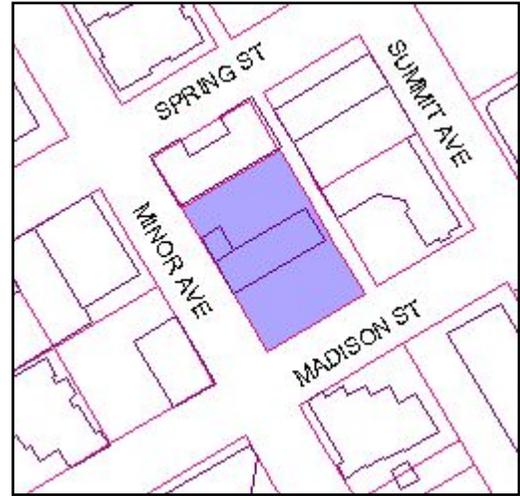
- The project was originally noticed on November 2, 2006 for a Council Land Use Action to Contract Rezone a 7,122 sq. ft. portion of the property from HR to NC3 160' to allow a 13-story, 40-unit apartment and medical office building with 3,928 sq. ft. of retail and 4,797 sq. ft. customer service office (bank) at ground level. Parking for 403 vehicles to be provided in below-grade garage. The project proposed program was subsequently revised (to eliminate the medical office use, increase the residential units and reduce the parking) and renoticed on August 9, 2007 and October 8, 2007.

\*\* Notice of early DNS was published November 2, 2006.

## **BACKGROUND DATA**

### Site Description

The subject site is located on the northeast corner of the intersection of Madison Street and Minor Avenue. The site currently contains one one-story structure (bank) and a surface parking lot. The site is relatively flat along this stretch of Madison and Minor. An alley abuts the subject site to the east. The site is split-zoned with approximately the southern two-thirds within the Neighborhood Commercial 3 with a 160 foot height limit (NC3-160') and the northern third of the site within a High rise zone (HR). The NC3-160 zone continues for to the east and west of the site along the north side of Madison and the High rise zone continues to the north, approximately one half block north of Madison Street. Across Madison Street to the south, the zone changes to Major Institution Overlay (MIO) with a height limit of 70 feet and an underlying zone of Neighborhood Commercial (NC3) with a 160 foot height limit directly across the street. Slightly further to the east, the MIO zone continues with an increased of 200 feet and an underlying High Rise (HR) zone.



### Vicinity

The existing neighborhood is a mixture of residential uses in older buildings and some newer multifamily structures situated north of Madison and a variety of single and multi storied commercial buildings along Madison. Immediately abutting the site to the north is an existing three-story residential building and across the alley to the east is a taller residential building (approximately 12 stories) and attached two story garage situated towards the north of that half of the block and a single story L-shaped commercial building to the south. The large hospital complexes located in the vicinity, as well as the numerous associated medical service uses; tend to dominate Madison Street and the area to the south of Madison.

### Proposal and Project History

The original proposal included demolition of the existing structure and the construction of a new mixed-use building. The new structure would be a 13 story mixed use building with below grade parking for 400 vehicles, ground level retail commercial uses (10,000 square feet), medical office use on floors two through nine (139,000 square feet) and four levels of residential uses above (approximately 46 units).

At the Second Recommendation meeting, the applicant presented a updated building program, which included a 12 story mixed use building with below grade parking for 342 vehicles, ground level retail commercial uses (10,000 square feet), medical office use on floors two through seven (107,723 square feet) and five levels of residential uses above (approximately 75 units).

At the Final Recommendation meeting, the applicant presented a significantly revised building program, which included a 16 story structure, the elimination of medical office use and the introduction of more residential uses for a total of 244 units (three of which are located at grade) and two at grade live/work units. The below grade parking is reduced to 107 stalls. Subsequent to the Final Recommendation meeting, the project was renoticed to reflect these programmatic changes.

### Public Comments

Approximately 19 members of the public attended the Early Design Guidance meeting held on June 14, 2006. The following comments were offered:

- Clarification of whether residential units will be rental or condo. [*Rental.*]
- Concerned that views from the abutting San Marco residential building will be eliminated by the proposed development.
- Object to the proposal to use the alley as a thoroughfare, especially given that all of the garbage dumpsters are currently kept in the alley.
- Prefer a 5-6 story building.
- Concerned that proposed massing will dominate neighborhood character along Minor and diminish the pleasant ambiance of this street.
- Stress that the daylight basement units of the San Marco residential building need to be respected per Guidelines A-5, B-1, D-2 and D-6. Would like to see daylight and air to these units preserved to the greatest extent possible.
- Concerned that the proposed 400 parking stalls is excessive and will create too much traffic. Moreover, traffic should be directed away from the neighborhood.
- Support widening of the sidewalk and creating more pedestrian space.
- Note that all four building facades should be well-designed and responsive to the residential characters of the north, east and west sides. Conversely, the south elevation should respond to the commercial character along Madison.
- Support the “beacon” element shown at the intersection corner and would like to see this demarcate the distinct characters to the north and south.
- Support the colonnade amenity proposed at the ground level.
- Hope to continue positive working relationship with Opus as a neighbor.
- Stress that pedestrian safety is critical and lighting the sidewalk is key consideration – especially with the heavy tree canopy. The First Hill Association has selected the ‘Kim’ light standard as a preferred design for street level walls.
- Note that the landscape design should be cognizant of homeless activity in the area.
- Encourage the preservation of the street trees and the neighborhood clock tower.
- Concerned with the merchants along Madison who need a more viable, active retail environment that attracts people beyond hospital hours. Specifically, desirable businesses are those that have longer hours, strong storefront designs that meet the sidewalk.
- Hope that the historic character of the neighborhood will be respected with the proposed design.
- Access to the parking should be from the alley, not the street.
- Support the residential entry off of Minor as in keeping with neighborhood character as one moves away from Madison to the north.
- Encourage terracing and lots of landscaping to soften the building massing.
- The five foot setback along Minor is not enough to preserve the street trees.

- Discourage any departure that increases the massing given that the proportions appear oppressive and heavy. Would prefer to see more sculpted forms that lighten building bulk.
- Encourage increasing the number of residential units.
- Would prefer residential units are condos, so residents are more committed to the neighborhood.
- Concern that this project is too automobile dependent and the drive-through element (especially one located off the alley) is wholly inappropriate. The parking access clearly needs to be located from the alley.
- A more slender building form would be preferred to the squat, heavy massing shown.

Approximately 22 members of the public attended the Initial Recommendation meeting held on February 21, 2007. The following comments were offered:

- Looking forward to having a building on this site that works well with the neighborhood. Concerned that the nature of Minor Street is protected. Feels that the proposed design is too patchwork with too many design gestures happening; a more unified building with decorative details would be preferred. Objects to the proposed modern canopy style that is suspended by chains.
- Concerned that too much is going on such a small space. Hopes that proposed coffee retail space is not Starbucks. Would like more than one retail space along Minor Street. Studio apartments will not attract the high end rental markets suggested. The numbers of large parking stalls proposed are limited, while most cars are bigger-sized. Concerns with homeless people congregating in the neighborhood. Feels the proposed façade is nice-looking.
- Looking forward to park improvements. Supports the accommodation of the existing alley dumpsters on the subject site. Likes the references to the Gainsborough architecture in the proposed design. Wants the drive-through customers to know where to circulate.
- The elevations are admirable with materials that reference the residential neighborhood. However, the massing is more congruent with that of the hospital institutions across the street than that of the residential neighborhood. The program is driving the architecture and the program is problematic. The proposed building is massive and is essentially a box. The sidewalk along Minor appears to enhance the streetscape, except that the drop-off area greatly reduces the sidewalk width. Would much prefer a more generous sidewalk width.
- Pleased to see the site redeveloped. This building will set a strong precedent along Madison. This is essentially an office building with a tiny bit of residential uses. The medical office use overly dominates the building program. The corner is well-designed, but the pillar element should be eliminated.
- The building bulk is out of scale with the site size. The combination of uses and multiple land use reviews are indications that the proposed uses are too intensive that intended for this site. The design was well-presented with helpful graphics. Would like the tower portion to be narrower with greater modulation. Oppose taking access from Minor Street. Disagree with the allowed continuance of the drive-through use in a designated pedestrian zone. Would like the mechanical equipment to be well-screened and include acoustical dampening.
- Concern with traffic going through the neighborhood.
- The First Hill Business Association is pleased with the applicant's work with the neighborhood. Minor Street has been identified as an important pedestrian pathway that should include lighting, landscaping and wider sidewalks.
- Agree with the comments regarding the complexity of the proposed building program.

- Concerned with the location of the dumpsters next to the San Marco apartments. Also concerned with traffic congestion at the north end of the alley.
- Will lights be on all night? [Applicant response: No]
- Would like to see special paving and details.

Approximately 24 members of the public attended the Second Recommendation meeting held on June 6, 2007. The following comments were offered:

- Strong concerns regarding the relationship of the proposed building program to the nearby Major Institution Overlay (MIO) of the hospital campus. A buffer area of 2,500 feet and the maximum 10,000 square feet medical office use restriction was established around the perimeter of the MIO specifically to avoid invading the surrounding neighborhood with hospital-related uses. The proposed 100,000 square feet of medical office use is seriously overreaching the intent and purpose of this buffer area. The resulting traffic and design challenges are unfairly burdening the Design Review Board. The Board's recommendations will inform the rezone proposal.
- Other areas of the First Hill neighborhood need to be mitigated for the impacts generated by the proposed development.
- Efforts to clean up the park and adding artwork would be encouraged by the neighbors.
- Understands the market demand for medical office versus administrative office uses.
- Concerned with park security.
- The proposed brick color is too dark and morose, as is the color of the pre-cast concrete. Wants to see a lighter colored brick.
- The corner column is out of scale with the building and creates a 12 foot wide solid wall.
- Doubts the numbers used for the drive-through trips.
- Submits a letter with 43 signatures reiterating concerns of neighbors that the proposed building program effectively carries the MIO across Madison. This is of particular concern since Virginia Mason just purchased property on the north side of Madison and north of its boundaries. This project will set a precedent and is 11 times more medical office use than is allowed outright. New development needs to encourage more human activity during the evenings and weekends. The building form should also have a base, middle and top.
- Access should be from Madison, not Minor because traffic circulating through the neighborhoods is of concern. All retail should be on Madison, not Minor.
- The colors and textures are too dark and overpowering. The colors and materials should be compatible with the neighborhood.
- Question why so many different textures and materials are proposed.
- Support having retail use on Minor.
- The street elevation along Minor is nice.
- The proposed building materials are very good quality.
- Appreciate reduction of medical office use and would encourage further reductions, which will also alleviate the traffic impacts.
- The human scale and character along Minor is not shown clearly. The brick is nice, but there isn't much residential language incorporated into the architecture.
- Access should be split between street and alley.
- The overhead canopies should be extended to eight feet deep.
- Concerned with noise generated from rooftop mechanical equipment.
- Want to see more modulation on Minor.
- The building is basically a box and will create noise and air pollution.

Approximately 17 members of the public attended the Final Recommendation meeting held on August 1, 2007. The following comments were offered:

- Concerned that the relocation of the driveway to the alley from the street will force traffic to circulate through the neighborhood.
- Clarify that the existing dumpsters located along the alley will be relocated within the proposed structure.
- Thank the applicant for the amazing project improvements, particularly the programmatic changes. Looks forward to residential addition to the neighborhood.
- The corner retail space continues to be very important in attracting a tenant that will help activate and serve the residential neighborhood.
- A distinctive architectural expression needed at the top of the building.
- Incorporating additional details at the ground level will help achieve a finer grain of interest along the pedestrian experience.
- The color of pre-cast concrete is too grey and should be lightened to be warmer.
- Extremely pleased with the project changes; the new proposal is right for the neighborhood and will contribute to community building.
- The residential tower appears continuous and then shopped off at the top; something more dynamic is needed at the top.
- The base should be more of a base.
- The live/work units imply a commercial function; however the units are not designed to realistically accommodate both commercial and residential functions within the units. The ADA unit needs to be further examined.
- Lobbies play a very important role in this neighborhood in that they create ground level rooms that interact directly with the public realm. As such, the lobby proposed along Minor should be residential in appearance and perhaps be recessed to create an outdoor entry area.
- The developer has listened to the neighborhood and that is much appreciated. There still exist a few meritorious issues to be resolved that will make this an outstanding project.
- Support live/work units and uses at ground level.
- Excited by the fundamental shift in the proposed development.
- Reiterated that the top needs more emphasis.
- The brick and the pre-cast materials are too divorced from each other.
- Want to see greater detail of the ground level, for example how do the stoops meet the sidewalk? What are the canopies made of? [glass and metal]
- Would like to see continuous canopy, not multiple ones as proposed.
- Support the corner retail space. Important that the bank use is not located at this corner.
- The office function of the lobby should be internalized, so that the lobby and connect more to the sidewalk and not be just a hallway.
- Encourage use of the same box wood hedges that are found along the sidewalk to be used in the planting strip abutting the proposed project.
- The ground level windows should be operable.
- Rooftop equipment should be screened.
- Kudos to developer. Nice stoops and garden spaces.
- The canopy over the residential entrance should differ from the commercial canopies to emphasize this entry.
- The alley elevation is a bit too monolithic with all the pre-cast concrete.
- Project is much improved. Want continuous canopies and more open space next to lobby.

- Like verticality of the building design.
- Clarify fencing along alley.
- Clarification that the second floor terrace is a combination of common and private open spaces. Concerned that the private terraces will be used for storage.
- The noise from the mechanical equipment should be dampened.
- Low level pedestrian lighting is desired.

The original SEPA comment period for this proposal ended on November 15, 2006 and was extended to November 30, 2006. Approximately 40 comment letters were received, as well as a petition signed by over fifty neighbors requesting a public meeting. The comments focused on the following issues:

- Request to be listed as a Party of Record;
- Desire to see residential development occur, rather than medical office. The medical office use is incompatible with the residential neighborhood to the north of Madison.
- The proposed design is too massive and out of scale with the neighborhood. Building should be smaller.
- Concerned with the increase in traffic generated by the project.
- Worried that the large provision of parking will encourage excessive traffic.
- Concerned with impacts to air quality from traffic.
- Money spent on First Hill Park is not desirable; instead it should be spent on other streetscape improvements.
- More green space is needed on the subject site.
- Concerned with noise generated by medical office use.
- The proposed conditional use effectively extends the Major Institution overlay across Madison and become the dominant use.
- The City's website is unhelpful.
- The old clock on First Hill should remain standing.
- Traffic impacts during construction should be mitigated. Other construction impacts, such as dust, noise and vibration should also be addressed.
- Too much is being proposed for this site at this location, resulting in an overly complex building program that strains the site and the neighborhood and should be simplified.
- Security in the area is important.
- The traffic generated by the proposed development will negatively impact the neighborhood.
- There should not be vehicle access from Minor Avenue.
- Concerned about vehicle accessing the alley through Spring Street because it is a blind corner.
- Object to alley access to site.
- Object to proposed re-zone.
- Human activity in the neighborhood should be preserved and enhanced.
- Want to see neighborhood businesses encouraged.
- Desire greater setbacks from the residential development.
- Project needs to provide sensitive transition between the commercial uses and residential community.
- Parking and access need to be minimized.

The revised project SEPA comment period ended on August 22, 2007.

- Would like to see more parking provided and available to the public.
- More park-like amenities should be required.
- Support vehicular access from Madison, not from the alley.
- Object to the color of the pre-cast grey concrete.
- Desire retail that will enhance the neighborhood.

Due to a posting error, the project was re-noticed a second time with the comment period ending on October 24, 2007. The following comments were received:

- Concern that attention was focused on the design of the Minor and Madison elevations and that the same attention will not be paid to the north and east facades.
- Concern that the north and east elevation will be a raw concrete color and not pleasing to the neighbors facing these facades.
- Would like to see the brick treatment wrap from the west façade to the north façade.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

Three schemes were presented at the Early Design Guidance meeting, all of which included a residential entry off of Minor, parking access from Minor, a drop off area along Minor, and a bank use at the ground floor with a drive-through component off the alley (exiting on to Spring Street). The first scheme proposed a building configuration that maximizes the first eight floors and steps back the upper floors along Minor and the north property line. This scheme shows some vertical articulation on the upper stories and a massing emphasis towards the southwest corner at the intersection. The second alternative proposed a similar configuration as the first scheme, although the uppermost floors are further stepped back creating an amenity space for the residential tenants. The massing emphasis shifts to the central portion of the Madison frontage, rather than the corner, and a colonnade area is proposed along the Minor. The third and preferred scheme proposed maximizing the building massing to the greatest extent, with a stepped back portion between the office and residential uses much like the other two schemes, as well as the upper story setback introduced in the second scheme. All of the alternatives will likely include provision of off-site open space in order to meet the Code public amenity/open space provisions. Departures from the specific mix of parking stall sizes is anticipated, as well as a departure requests from the setback requirements for a portion of the building (northeast corner) along the alley and west property line.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

The applicant applied for the Master Use Permit and the Design Review Board reconvened to review the applicant's design response. At the Initial Recommendation Meeting, a more developed and refined design was presented to the Board, responding to the guidance provided at the previous meeting. Along with multiple renderings, five access alternatives to the site were shown, each with pros and cons in terms of traffic circulation, impacts to the neighborhood street system and design implications. The access options ranged from all access off of Minor, to several variations of split egress and ingress from the street and alley to an option with only alley access.

At the Second Recommendation Meeting, a further developed design was presented to the Board, responding to the guidance provided at the previous meeting. As noted above, the proposed building program was revised since the previous meeting and the design was subsequently changed. The use of pre-cast previously shown along Minor Street has been replaced with masonry. The volume of the corner "porch" area has been reduced from three stories in height to two. Artwork is proposed at the corner column feature. The drop off zone along Minor was deleted in order to widen the sidewalk along this street, as well as include a wide planting strip. Rooftop open space was added along with some tenant amenity rooms. All of the vehicular access is shown from Minor. The retail storefront system was made more pedestrian friendly by lowering the overhead canopy. A fence with translucent glass and built in planter boxes has been included along the north property line. The building setback along Madison is 16 feet.

Generally, the Board felt that the design responded well to the guidance offered at the previous meeting; however, the design and program still face several challenges. The Board wanted to specifically state they their deliberations were based on the design and program presented before them and that their deliberations should not be construed as support for the proposed re-zone.

At the Final Recommendation Meeting, a further developed design was presented to the Board. As noted above, the proposed building program was revised dramatically since the previous meeting and the design was subsequently changed to reflect the modified program. The major changes include replacing the medical office use with residential uses. The ground floor retail use along Madison continues to wrap the corner onto Minor and then transitions to the residential lobby and ground level residential and live/work units. The vehicular access has been relocated to the alley from Minor Avenue and the drive-through function has been eliminated. The setback along the north property line was increased and the building is setback from the south property line by eight feet, allowing the sidewalk to be 18 feet wide. The building bulk has been reduced with a smaller footprint for the tower (reduced from approx. 18,000 SF to 13,000 SF per floor).

The Board was extremely pleased and supportive of the program changes and the resulting design. The Board commended the efforts of the community, developer and design team.

The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

## Site Planning

**A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

The Board thinks the design should preserve the existing street trees, widen the sidewalk and include overhead weather protection. The Board also agreed that the design of the building as it fronts onto Minor and Madison should reflect the transition to a residential neighborhood (along Minor) and to continue the strong commercial character (along Madison).

At the Initial Recommendation meeting, the Board was not satisfied with the appearance of the west façade as it relates to the residential neighborhood. They agreed that this façade should be most reflective of the residential neighborhood with regard to materials, proportions and details.

At the Second Recommendation meeting, the Board supported the change from pre-cast to brick along the west façade. However, the Board noted that the ratio of masonry to pre-cast is too close and this facade should be more clearly dominant by the masonry with pre-cast used only as an accent. The Board also agreed that the color of the brick should be lightened.

**At the Final Recommendation meeting, the Board was pleased that the building clearly delineates the materials along different facades. The west façade, facing Minor is predominantly brick with significant transparency and metal and pre-cast accents. This material palette wraps the corner and continues for one bay and then becomes a predominantly pre-cast façade with significant glazing. The brick color was revised. See also C-2 and C-4. The Board supported the series of canopies rather than one continuous canopy.**

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

The Board agreed that the residential entrance should be clearly demarcated, separate from the commercial entry, and located along Minor.

At both the Initial and Second Recommendation meetings, the Board was pleased that the residential entrance was situated along Minor Street. The Board did note, however, that the residential entrance should be further delineated and buffered from the retail and driveway on either side.

**At the Final Recommendation meeting, the Board discussed how the residential lobby entrance could be further emphasized with a different canopy design, recessing the entry, and/or changing the material, glazing, landscaping and reconfiguration of the lobby functions to interact with the street. This ‘storefront’ space should endeavor to create a distinct and gracious entry for building residents that all pedestrians will appreciate. *The Board recommended a condition that this lobby entry area be further refined to respond to the pedestrian environment and interact with the pedestrian realm. All of the entry details, such as landscaping, seating, call box, etc should be considered and detailed for review and approval by DPD staff.***

**A-4 Human Activity. New development should be sited and designed to encourage human activity along the street.**

The Board agrees that this development has the opportunity to enhance the pedestrian activity of this neighborhood along Madison Avenue. The predominance of the hospitals tends to dictate the types and hours of businesses in the area. The Board thought this project ought to strive beyond this somewhat limited pattern to create a vibrant street level design that encourages activity in the evenings and weekends and/or provides daily services to the neighborhood residents that might not currently be found in the vicinity. Large, transparent, operable storefront windows, overhead weather protection and commercial uses that have the potential to straddle the public and private realms are examples of attractive features that should be included for a successful pedestrian environment. The Board strongly supports a setback along the sidewalks and in fact encouraged greater than a five foot setback as proposed. They agreed that an eight foot wide sidewalk is inadequate and closer to 18 feet is preferred and creates opportunities for significant landscaping and other right-of-way enhancements that can be enjoyed by the community.

The Board is particularly adamant that Minor continue to be a quieter street with a predominantly residential character.

At the Initial Recommendation meeting, the Board agreed that the design should provide a wider sidewalk along Minor to enhance the residential and pedestrian character of this street. The Board is also supportive of including operable windows along the retail level of Minor Street, as well as the proposed types of retail uses at the street level.

At the Second Recommendation meeting, the Board was pleased that the drop-off zone was eliminated from Minor Street, allowing the sidewalk to be widened and accommodate a wider planting strip. The Board also found the retail level along Minor to be well-designed, but would like to see greater detail of the base as it relates to the sidewalk. The Board noted that more of a buffer between the residential entrance and the retail use on the south side and the driveway on the north side would help create a better sense of entrance.

**At the Final Recommendation meeting, the Board agreed that both street fronts were vastly improved, due in large part to the simplified building program. The uses at ground level now include a smooth transition from continuous commercial along Madison, wrapping the corner to Minor, to the residential lobby, live/work units and ground related housing. The organization of the ground floor uses is perfectly executed. The Board felt that the breaking up of the commercial spaces into shop-front-like proportions along Madison was an appropriate and thoughtful approach to the commercial character of Madison. The Board was very supportive of the ground level units with stoop configurations and open space terraces at third level, both along the alley and Minor Ave. Additionally, the Board was extremely enthusiastic with the proposed planting on both sides of the sidewalk right-of-way towards the northwestern side along Minor.**

The Board raised concern that the live/work units do not have adequate space to reasonably accommodate both commercial and residential uses. The Board recommended that the application further explore these ground level units and how they will realistically function and interact with the pedestrian realm. The Board was more interested in having successful live/work units along Minor, rather than simply having ground level residential units. *The Board recommended a condition that the live/work units show a floor plan that clearly delineates where commercial activity may occur.*

The Board discussed the commercial use at ground level along Madison and raised concerns that the grade change could potentially become an issue for accessing the prospective commercial spaces. This can affect the desirability of these spaces from being leased. Unsightly ramping around the building exterior is very discouraged. *Therefore, the Board recommended that the commercial spaces be designed to accommodate internal ramping at the access points to avoid having such ramps along the exterior.*

The Board also discussed the importance of the residential lobby along Minor. As shown, the rental office is situated at the property line and cuts off the lobby gathering space from the sidewalk. *The Board recommended a condition that the lobby functions are reconfigured to locate the primary gathering space near the entrance.*

*The Board also recommended a condition that the ground level windows be operable.*

At the Final Recommendation meeting, the Board was pleased with the integrated lighting and signage plan proposed to highlight the retail uses and landscaping.

**A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

The Board wants the proposed design (massing, materials, fenestration, etc.) be sensitive to the south facing units of the abutting San Marco residential building.

At the Initial Recommendation meeting, the Board was very pleased with the plans to consolidate and accommodate the existing alley dumpsters on the subject site. The Board would like these dumpsters to be exceedingly well-screened and sensitive to the abutting residential units.

At the Second Recommendation meeting, the Board agreed that the screening of the dumpsters was achieved by the proposed four to five foot wide planting wall between the abutting San Marco property and the subject site. The Board was also supportive accommodation of the existing alley dumpsters on the subject site to help reduce obstruction of the alleyway.

Some Board members felt that a larger gesture should be given to the San Marco property to the north, by setting back the building an additional five feet to accommodate more landscaping and buffer area.

**At the Final Recommendation meeting, the Board continued to be supportive of relocating the alley dumpsters within the new building. With the revised design, the Board was very pleased with the increased setback from the San Marco apartment building to the north. This widened setback is proposed to be nicely landscaped to help buffer the two buildings from each other and offer a visual amenity to passers-bys.**

**A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

The Board looks forward to reviewing a high-quality, well programmed and well landscaped open space design.

At the Second Recommendation meeting, one Board member expressed concern that the rooftop open space is too restrained and should be design to provide greater relief to the building residents. Generally, more neighborhood and resident amenities should be provided in conjunction with the development. Examples include seating in the right-of-way and further developed open space.

**At the Final Recommendation meeting, the Board did not discuss this issue with regard to the revised open space plan.**

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.**

The Board was not convinced that the proposed access off of Minor was appropriate and in fact stressed that alley access was preferred. They agreed that the proposed alternatives were too deferential to the automobile and that the site design and building configuration should respond first and foremost to the urban location of the site and accommodations for cars should be secondary. The Board wants to see a design configuration that incorporates access from the alley only and pulls vehicular activity away from the north. The Board was not at all supportive of the drive-through aspect of the proposal.

At the Initial Recommendation meeting, the Board was more supportive of locating the driveway off of Minor Street if such a configuration would significantly discourage traffic trips north into the residential neighborhood. The Board noted, however, that if the driveway is located off of Minor, the drop off area marked by the curb inset along Minor should be eliminated and the sidewalk widened. The Board also noted they would support departures to narrow the driveways if that could be done to still allow safe maneuvering in and out of the building by the prospective clients and customers.

**At the Final Recommendation meeting, the Board was unanimously supportive of the elimination of any street access and the use of the alley for the vehicular access.**

**A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

The Board supported the proposed articulated, high visibility of the proposed “beacon” corner at Madison Ave and Minor.

At the Initial Recommendation meeting, the Board was pleased with the building form as it meets the corner. The Board was puzzled by the offset, two-story, vertical column shown at ground level of the corner. They agreed that the proposed element was too heavy and mismatched with the well-composed and rational building design. The Board suggested a feature that is lighter and perhaps more transparent would work with greater success. The Board encourages the applicant to integrate public art at this corner to help define the space and lend greater interest at the pedestrian level.

At the Second Recommendation meeting, the Board was enthusiastic that the design now includes a large piece of art located at this corner that helps distinguish it from the rest of the building. As shown, however, the corner column feature is more of an extension of the rest of the building and does not read as a separate element. The Board was also concerned that the 12 foot wide wall created by the column element will cast shadow onto the proposed seating area.

**At the Final Recommendation meeting, this element was eliminated and the retail use was carried all the way to the corner to define the street edge and bring the retail spaces as close to the sidewalk as possible. The corner retail spaces should be designed to establish a grade that allows the entrance to be at grade. The Board was pleased with this revision.**

#### Height, Bulk, and Scale

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.**

The Board supported a design that takes architectural cues, aesthetic features and successful massing examples from the existing buildings in the neighborhood.

At the Initial Recommendation meeting, the Board struggled with the mass of the building that is driven by a very complex and demanding building program. They decided that they could not make a positive recommendation at this time relating to the height, bulk and scale aspects of the building.

At the Second Recommendation meeting, three Board members felt the building mass was too heavy and indicative of the demanding program. These Board members also expressed objection to the proposed re-zone.

**At the Final Recommendation meeting, the Board was very enthusiastic about the slender residential tower above a solid base. They agreed that the proportions and massing were far more suitable and sympathetic to the residential buildings in the neighborhood.**

## Architectural Elements

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural pattern and siting pattern of neighboring buildings.**

The Board agreed that the historic character and aesthetic found in the residential neighborhood to the north of the subject site should be reflected in the design of the new structure. The Madison façade, however, should resemble a more contemporary design reflective of the Madison corridor. See also, A-5.

**C-2 Architectural Concept and Consistency.**

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**
- **Buildings should exhibit form and features identifying the functions within the building.**
- **In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board discussed the challenge of the building height as it stands out against the built context. Given the clear verticality of the building, the Board stressed the even greater importance of the design quality of the lower levels and how it should relate to the scale of the pedestrian.

At the Initial Recommendation meeting, the Board is concerned that the porch element at the ground level of the corner lacked scale with the rest of the building. The Board suggested lowering the ceiling height of the atrium space. The Board also feels that the pillar feature was too heavy and out of place with the well balanced lines of the building architecture. The Board recommends that the pillar feature be replaced with some a more restrained feature or preferably some sort of three-dimensional artwork that would engage and enhance the pedestrian experience at this corner.

At the Second Recommendation meeting, the Board agreed that the building design needs a stronger base, middle and top composition. The Board suggested a strong concrete base, brick middle and some sort of major expression at the top.

**At the Final Recommendation meeting, the Board was pleased that greater weight has been given to the building base by having the brick material continue around both street facades at the ground level. *The Board recommended, however, that the brick material continue for the full length of the Madison building base.***

**The residential tower has become a strong building middle with the brick façade along Minor wrapping the corner for a depth of 18 feet to emphasize and ground the corner. The brick transitions dramatically to a pre-cast concrete and glass exterior along Madison. The Board agreed that the base and middle were well-defined and much improved. However, half of the Board felt that the building top could be better defined more dramatic and better respond to the neighborhood examples.**

The Board also discussed the alley façade and how it should be better integrated with the rest of the building. There was some concern that while this façade has some articulation with the projecting bays, the value of the façade is too similar and this articulation is lost. *The Board recommended a condition that the design of this façade incorporates different colors, materials, etc to help break up the expanse and highlight the projecting bays.*

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

See C-2 and D-1.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board looks forward to reviewing a more detailed material and color palette reflective of and responsive to the surrounding architectural aesthetic. The Board noted that the details of the ground level commercial storefronts are especially critical. The Board would like to see materials that show texture and shadows, creating a more interesting façade.

At the Initial Recommendation meeting, the Board was very supportive of the material palette that includes brick, masonry and pre-cast elements, as well as a wood resin at the base and at the upper residential floors. The Board suggested that perhaps the façade could be calmer with less competing details. The Board also noted that the projecting façade along the west side appears more commercial in character and perhaps that palette of materials would be better suited along Madison. The residential feeling of the brick material should be more emphasized along Minor Street.

At the Second Recommendation meeting, the Board felt that the increased masonry along Minor is much improved and recommend that this be continued. The design has successfully incorporated traditional materials in a contemporary manner. The brick color should be lighter and the ratio of brick to pre-cast should be significantly larger.

**At the Final Recommendation meeting, the Board was presented with updated material colors and a new distribution of materials throughout the building exterior. The brick color has changed to a reddish-brown tone. The bricks are common brick size and installed with a panelized system. The pre-cast concrete is a tan color that will be selected to match the windows and metal sill elements. The Board supported the new brick color, but felt that the pre-cast concrete color should be lightened. *The Board recommended that the applicant explore lightening the color of the pre-cast concrete for review and approval by DPD staff.***

- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board strongly agreed alley access should be pursued and in any event, vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible.

At the Initial Recommendation meeting, the Board agreed that if the access ends up located off Minor, then the proposed setback of the entry and split between the ingress (enclosed within the building form) and egress (aligned along the outside of the building mass) works well to minimize the intrusion of the driveway cuts. As noted earlier, the Board recommends that the drop off area be eliminated along Minor and the sidewalk widened to accommodate greater landscaping and other pedestrian features. The Board recommends development of an 18-foot wide sidewalk along Minor.

**At the Final Recommendation meeting, the Board was extremely pleased and supportive of the access from the alley.**

## **Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

See A-3.

**D-2 Blank Walls. Building should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

**D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

**D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

At the Initial Recommendation meeting, the Board was pleased to see the accommodation of the existing dumpsters along the alley on the subject site and screened from view. The Board would like to see greater details as to the screening of these dumpsters from view of the nearby residences. Similarly, the Board would like to see details of the fence and landscaping along the northern property line. See A-6.

The Board would like to see details showing the exterior light fixtures around the perimeter of the building at the ground level.

At the Second Recommendation meeting, the Board agreed that the dumpsters were well screened by an attractive fence and planter structure.

**At the Final Recommendation meeting, the Board was satisfied with the revised garage entry, lack of blank walls, relocation of dumpsters into the building and the conceptual lighting plan.**

## Landscaping

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.**

The Board feels that extensive hard and soft -scape treatments should be proposed at the sidewalk level (curb bulb, street trees, light fixtures, decorative grates, etc).

At the Initial Recommendation meeting, the Board remained very interested in improvements to the streetscape around the site. Specifically, landscaping, light standards, outdoor seating space, wide overhead canopies, and other amenities are encouraged. A 50-foot long planter with trees is proposed along the north property line that will help shield the dumpster area. The Board is interested in reviewing the details of this vegetated buffer. The Board is also interested in understanding more about the proposed improvements to the nearby First Hill Park.

**At the Final Recommendation meeting, the Board was satisfied with the proposed landscaping and open spaces proposed. Overall, the project is providing more open space than is required.**

### **Design Review Departure Analysis**

Along with the revised design, all of the previous departure requests have been eliminated. One new departure was requested primarily to accommodate the split zone nature of the subject lot.

**OPEN SPACE and AMENITY AREA (SMC 23.47A.024 and SMC 23.45.024):** In NC zones, the Code requires that 5% of the gross floor area in residential use be provided as open space. For the proposed development, this amount equals 6,990 square feet. In HR zones, open space equal to 25% of the lot area must be provided at grade and 25% above grade. For the proposed development, this amount equals 1,800 square feet at ground level and 2,160 square feet above grade. The proposed design provides more than the required amount of open space and landscaping. However, the exact location of the open space does not correspond to the zone split.

The Board members unanimously recommended approval of the requested departure because of the generous eight additional feet of sidewalk along Madison, the extensive ground level landscaping in the planting strip and against the stoops on Minor.

**Departure Summary**

Departure	Code Requirement	Proposed	Board Response
<p><b>Residential Amenity Area and Open Space</b></p> <p><b>SMC 23.47A.024 and SMC 23.45.024</b></p>	<p>For the NC zone: 5% GFA of residential use located on site = 6,990 SF.</p> <p>For HR zone: 25% of lot area at grade = 1,800 SF and 25% lot area above grade = 2,160. Total = 3,960 SF required landscaped open space.</p>	<p>5,208 SF provided for private residential terrace.</p> <p>6,124 SF total landscaped open space provided split between at grade open spaces along north (HR zone) and south (NC zone) property lines. Common open space above grade.</p>	<p>Unanimous support for the proposed departure. More than the required quantity of open space is being provided. Much of it is at grade and will be enjoyed by the community including the landscaped setback along the north property line and the widened sidewalk along Madison (from 10' wide to 18' wide).</p>

**Summary of Board's Recommendations**

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the August 1, 2007 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-3, A-4, A-5 and A-6:
  - a) right-of-way landscaping;
  - b) transition of the building form and materials to reflect the distinct neighboring commercial and residential characters;
  - c) visibly distinguished entries;
  - d) clearly expressed street level uses;
  - e) and the high quality building materials.
2. As described under Guideline A-8, the alley access presented at the Final Design Review meeting.
3. As described under Guidelines C-2 and C-4, the architectural features and details, building materials, colors and lighting presented at the Final Design Review meeting.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Madison, as well as along Minor, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity at this critical intersection and be compatible with the residential neighborhood to the north of Madison.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

*The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:*

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

### **ANALYSIS & DECISION – DESIGN REVIEW**

#### **Director's Analysis**

Four members of the Capitol/First Hill Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design that is responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-3, A-4 and C-2 and support the case in favor of granting departures from the open space and residential amenity area standards.

1. The lobby entry area should be further refined to respond to the pedestrian environment and interact with the pedestrian realm. All of the entry details, such as surrounding landscaping, seating, call box, etc should be considered and detailed.
2. The live/work units should show a floor plan that clearly delineates where commercial activity may occur.
3. The commercial spaces should provide direct access from the sidewalk or be designed to accommodate internal ramping at the access points to avoid having such ramps along the exterior.
4. The lobby functions should be reconfigured to locate the primary gathering space near the entrance.
5. The ground level windows should be operable.
6. The brick material should continue for the full length of the Madison building base.

7. The design of the east façade should incorporate different colors, materials, etc to help break up the expanse and highlight the projecting bays.
8. The applicant should explore lightening the color of the pre-cast concrete.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

#### Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

#### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 31, 2006 and revised on August 17, 2007. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 19,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

<b>Environmental Element</b>	<b>Discussion of Impact</b>
1. Drainage/Earth	• 19,000 cubic yards of excavated materials.
2. Traffic	• Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	• Increased noise from construction activities.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 19,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 1,900 single-loaded truckloads to remove the estimated 19,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

2. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 3:30 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

Public sidewalks are found on two abutting rights-of-way, Madison Street and Minor Avenue. The sidewalk along the north side of Madison Street provides a significant pedestrian pathway with extensive utilization between downtown and the First Hill neighborhood. It is necessary, therefore, to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained along the project site during construction. It is desirable that the sidewalks abutting the project site along Madison Street generally be kept open and safely passable throughout the construction period. Any necessity judged to require a temporary closure of the sidewalk on Madison Street must in each instance have DPD as well as SDOT approval. This condition is enumerated below.

3. The sidewalk adjacent the project site and running along the Madison Street right-of-way shall be kept open and made safely passable throughout the construction period, *according to the City of Seattle Traffic Control Manual for In-Street Work*. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible as necessary for demolition or other purposes, *SDOT* shall be notified by the developer or general contractor *ten business* days prior to the planned temporary closure, and a *traffic control* plan shall be presented and approved by *SDOT Traffic Management* prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

### Parking

A Traffic and Parking Analysis was submitted to DPD by Heffron Transportation, Inc dated December 12, 2006, revised on January 31, 2007 and updated on July 26, 2007 and October 22, 2007 to reflect the new program. The analysis evaluates the parking impacts of the proposed development. The 107 parking spaces provided by the proposed development are all located on-site. The parking spaces are distributed between two levels of below grade parking and are accessed via a driveway off of the alley.

Using the Institute of Transportation Engineers' *Parking Generation Manual* (3<sup>rd</sup> Edition), the Urban Land Institute's *Shared Parking Manual* (2<sup>nd</sup> edition), and data gathered by the Puget Sound Regional Council for the First Hill neighborhood, the Heffron study estimated the project's expected parking demand by time of day and day of week. The peak parking demand will occur on weekend afternoons and weekday evenings. During these peak times, parking demand is likely to exceed the parking provision of 107 stalls by approximately 43 cars.

The site is located in an area where most on-street and off-street public parking spaces exceed 80% of capacity during weekday daytimes. As noted above, however, peak project parking demand is expected to occur evenings and weekends, when more public spaces are available to accommodate the expected spillover. To further reduce the impacts of potential parking spillover, the project has proposed to implement a Transportation Management Program (TMP), with specific elements proposed to reduce parking demand. Therefore, the mitigation proposed in the Updated Parking and Traffic Analysis (July 26, page 4), as modified by this analysis, shall become conditions of this project.

4. The mitigation proposed in the Updated Parking and Traffic Analysis (July 25, 2007, page 4) shall be integrated into a Transportation Management Program for submittal to DPD for review and approval to be recorded with this project.

Although these measures are likely to reduce the parking demand, further steps are needed to minimize parking spillover from the project.

5. Provide a total of at least two flex car spaces.
6. Provide annual reports to the City of Seattle that indicate the extent to which the project is meeting its TMP goal. The goal of the TMP shall be that the project will achieve an average vehicle ownership of no more than 0.6 vehicles/household. If this goal is not being achieved, additional measures may be implemented, including but not limited to free or discounted transit passes for project residents.

Traffic

The traffic study (referenced above) also evaluated the impacts of the proposed development to the surrounding street system. The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. Based on the traffic study and internal DPD analysis, trip generation information was calculated using average trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*, as well as a reduction for internal trip capture. The results of the trip generation analysis are shown below:

**Trip Generation Calculations: Existing and Proposed Uses**

Use	Daily Vehicle Trips	Total AM Peak Hour Trips Generated	Total PM Peak Hour Trips Generated
Existing	180	9	32
Proposed	1,100	83	116
Net Change in Trips	930	74	84

Using the ITE data, there will be approximately 84 additional trips in the PM peak hour associated with the proposed combination of uses. Even with the additional 84 trips generated by the proposed development, the studied intersections are expected to continue to operate at their current Level of Service during the weekday p.m. peak hours. To the extent the TMP measures described in the Parking section above reduce auto ownership, these trip forecasts may be somewhat higher than the actual traffic volumes that will be generated by the project. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

**DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

### **CONDITIONS – SEPA**

#### During Construction

The owner applicant/responsible party shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 3:30 p.m. and 6:00 p.m. on weekdays.
2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
3. The sidewalk adjacent the project site and running along the Madison Street right-of-way shall be kept open and made safely passable throughout the construction period, *according to the City of Seattle Traffic Control Manual for In-Street Work*. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible as necessary for demolition or other purposes, *SDOT* shall be notified by the developer or general contractor *ten business* days prior to the planned temporary closure, and a *traffic control* plan shall be presented and approved by *SDOT Traffic Management* prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.

## **CONDITIONS – DESIGN REVIEW**

### *Prior to MUP Issuance (Non-Appealable)*

4. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

### *Prior to Building Permit Issuance*

5. The lobby entry area should be further refined to respond to the pedestrian environment and interact with the pedestrian realm. All of the entry details, such as surrounding landscaping, seating, call box, etc should be considered and detailed.
6. The live/work units should show a floor plan that clearly delineates where commercial activity may occur.
7. The commercial spaces should provide direct access from the sidewalk or be designed to accommodate internal ramping at the access points to avoid having such ramps along the exterior.
8. The lobby functions should be reconfigured to locate the primary gathering space near the entrance.
9. The ground level windows should be operable.
10. The brick material should continue for the full length of the Madison building base.
11. The design of the east façade should incorporate different colors, materials, etc to help break up the expanse and highlight the projecting bays.
12. The applicant should explore lightening the color of the pre-cast concrete.
13. The mitigation proposed in the Updated Parking and Traffic Analysis (July 25, 2007, page 4) shall be integrated into a Transportation Management Program for submittal to DPD for review and approval to be recorded with this project.
14. Provide a total of at least two flex car spaces.
15. Provide annual reports to the City of Seattle that indicates the extent to which the project is meeting its TMP goal. The goal of the TMP shall be that the project will achieve an average vehicle ownership of no more than 0.6 vehicles/household. If this goal is not being achieved, additional measures may be implemented, including but not limited to free or discounted transit passes for project residents.

### *Prior to Building Permit Final*

16. Compliance with conditions #5-14 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

